

ANDRÉ CARSON
7TH DISTRICT, INDIANA

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
SUBCOMMITTEE ON ECONOMIC
DEVELOPMENT, PUBLIC BUILDINGS AND
EMERGENCY MANAGEMENT
RANKING MEMBER
SUBCOMMITTEE ON AVIATION
HOUSE PERMANENT SELECT
COMMITTEE ON INTELLIGENCE
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Congress of the United States
House of Representatives
Washington, DC 20515-1407

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SENIOR WHIP

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December 15, 2016

Honorable Ajit Pai, Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Commissioner Pai,

I am writing in regards to 93.5 MHz in Indianapolis, Indiana, an FM frequency on which Emmis Communications operates a translator to rebroadcast its AM sports radio station, "1070 The Fan." "1070 The Fan" is a centerpiece in my District broadcasting professional and amateur sports including the Indianapolis Colts, Indiana Pacers and high school football.

On May 19, 2016, a complaint was filed by Woof Boom Radio Licensee LLC, alleging that Emmis Communication's 93.5 translator interferes with their radio station, located 80 miles away in Hartford City, Indiana. On July 15th, Representative Luke Messer wrote the FCC requesting an expedient review and a determination to the complaint. It is my understanding that Representative Messer's request causes the complaint to receive expedited consideration, which I am concerned will result in a less comprehensive review than this matter deserves.

I am writing to request information on the criteria used by Woof Boom to make a claim against Emmis Communications. Additionally, I am requesting an explanation of the review process, timeline and what your findings have been thus far. Specifically, I ask that you describe what criteria and technical factors will be used by the FCC to resolve this dispute. "1070 The Fan" is a critical broadcast station in my District and I would like to ensure that this matter is resolved without any disruption of service to my constituents who rely on this station for their sports, weather and news content.

Your attention is appreciated.

Sincerely,



André Carson
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 10, 2017

The Honorable André Carson
U.S. House of Representatives
2135 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Carson:

Thank you for your letter concerning the efforts of Emmis Radio License, LLC (Emmis), to address alleged interference by its FM translator station W228CX (Translator), Indianapolis, Indiana. I appreciate your raising this important matter.

On May 19, 2016, Woof Boom Radio Muncie License, LLC (Woof Boom), licensee of WMXQ(FM), Hartford City, Indiana, filed a complaint alleging that the Translator was causing harmful interference to the operation of WMXQ(FM). You believe that the Commission has expedited consideration of the complaint and, therefore, might not conduct a comprehensive review. You request a detailed explanation of our review process and timeline.

The Commission continues to review the respective filings of Emmis and Woof Boom carefully and to work toward a resolution. The Commission's rules (47 CFR § 74.1203), require the licensee of an FM translator station to take appropriate actions to eliminate any actual interference it causes to *bona fide* listeners who regularly receive the signal of a full service station. Listeners desiring corrective action must cooperate with the licensee's efforts to identify the source of the interference and accept reasonable corrective measures.

In the instant case, by letter dated June 1, 2016, the Commission's Media Bureau (Bureau) directed Emmis to resolve alleged interference to WMXQ(FM) listeners and to provide a report to the Bureau within 30 days. Emmis filed a report on July 1, 2016 and a supplement on July 15, 2016. On September 16, 2016, Woof Boom filed its response to these two documents. Emmis and Woof Boom disagreed on whether the complaint involved *bona fide* listeners, whether the listeners had cooperated, and whether Emmis's efforts were sufficient. The Media Bureau began to consider the record of the case in October 2016, with a goal of reaching a decision as expeditiously as possible.

In an attempt to resolve the remaining issues, the Bureau's engineering staff initiated a conference call in early December 2016 with counsel for Emmis and Woof Boom. The call resulted in a Bureau request that Emmis resolve alleged interference to 17 listeners and submit a detailed report of corrective measures by December 22, 2016. Emmis's December 22, 2016 report stated that the listeners either rejected remediation efforts or did not respond. Woof

Boom again disputed Emmis's conclusions. On January 13, 2017, Woof Boom requested that Emmis cease operations or reduce power.

On January 23, 2017, Emmis filed an application to relocate the Translator's transmitter site, substantially reduce power, and operate with an antenna directing the Translator's signal away from WMXQ(FM) (File No. BMPFT-20170123GBB). This application is currently pending. The Bureau intends to consider and act on the application within the next 60 days. Woof Boom may file an objection any time before the Bureau acts. Woof Boom, in a January 26, 2017 "Reply to Statement Regarding FM Translator W228CX," indicated its general support for a relocation of and power reduction by the Translator, but expressed concern about the timetable in which Emmis might implement such changes. We note that in a January 27, 2017 filing, Emmis committed to the expeditious construction of the facilities proposed in the application and believes that this can be accomplished not later than four weeks following its grant.

If the Bureau grants Emmis's application to modify the Translator and Emmis promptly commences operations with the modified translator facilities, the Bureau would close the pending complaint. Of course, if Woof Boom were to determine that the Translator's modified facilities also allegedly cause interference to WMXQ(FM), Woof Boom could initiate a new complaint.

I hope this information is helpful. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,


Ajit V. Pai

P.S. Congressman, I don't believe we've had the pleasure of meeting, but I hope that changes soon. Please don't hesitate to call on me on this or other FCC-related matters (or the need for a stronger Colts offensive line).